

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jul 09, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANDREA D. GEORGE,

Plaintiff,

v.

THE COLVILLE CONFEDERATED

TRIBES; RODNEY CAWSTON;

ANDREW JOSEPH, JR.; JACK

FERGUSON; RICHARD SWAN, SR.;

MARVIN KHEEL; JOSEPH SOMDAY;

JOEL BOYD; RICHARD MOSES;

ALICE KOSKELA; SHANNON

THOMAS; JASON D'AVIGNON; and

PETER ERBLAND,

Defendants.

No. 2:24-CV-00123-SAB

**ORDER GRANTING MOTION  
TO DISMISS**

Before the Court is Defendants' Motion to Dismiss, ECF No. 27. Plaintiff, an attorney, is representing herself in this matter. The Colville Tribal Defendants are represented by Thomas Nedderman and William Dow. Defendant Erbland is represented by Christopher Kerley.

Plaintiff is suing members of the Colville Confederated Tribes, and the Tribes' employee, for their actions arising from and related to her expulsion from

**ORDER GRANTING MOTION TO DISMISS ~ 1**

1 the Tribes' governing body, the Colville Business Council.

2 Plaintiff's First Amended Complaint<sup>1</sup> contains 379 paragraphs of factual  
3 allegations. It also contains various prayers for relief. What is lacking, however, is  
4 a statement of the precise claims or causes of action being asserted, and the factual  
5 allegations supporting each cause of action being asserted. Rule 8 requires a "short  
6 and plain statement of the claim showing that the pleader is entitled to relief. Fed.  
7 R. Civ. P. 8(a)(2). Simply providing factual allegations does not meet the  
8 requirements of Rule 8. The First Amended Complaint does not clearly identify the  
9 causes of action being asserted, the legal basis for the claims, and the specific  
10 defendants against which they are asserted. Each claim or count should be  
11 separately listed in the Claims or Causes of Action section of the Complaint.

12 Plaintiff's First Amended Complaint does not meet the requirements of Rule  
13 8. Rather than straightforwardly stating her claims and allegations, Plaintiff's First  
14 Amended Complaint burdens this Court, as well as Defendants, with the onerous  
15 task of combing through it in order to determine what claims are being presented.  
16 *See Cafasso, U.S. ex rel. v. General Dynamics C4 Systems, Inc.*, 637 F.3d 1047,  
17 1059 (9th Cir. 2011) (noting that "district courts are busy enough without having to  
18 penetrate a tome approaching the magnitude of *War and Peace* to discern a  
19 plaintiff's claims and allegations").

20 Because the Court concludes the First Amended Complaint does not satisfy  
21 Rule 8, the Court is unable to and will not address Defendants' remaining  
22 arguments.

23 The Court grants Plaintiff leave to file an Amended Complaint.

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26 <sup>1</sup> Although Plaintiff filed a Second Amended Complaint, she failed to obtain leave  
27 of the Court to do so. As such, it is not properly before the Court. Rather, the  
28 operative complaint is the First Amended Complaint.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendants' Motion to Dismiss, ECF No. 27, is **GRANTED**.

2. Plaintiff's First Amendment Complaint is **DISMISSED** without prejudice.

2. **Within 30 (thirty) days from the date of this Order**, Plaintiff is directed to file an Amended Complaint that complies with Fed. R. Civ. P. 8. Failure to do so will result in the dismissal of this action.

**IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter this Order, provide copies to Plaintiff and counsel, and set a case management deadline accordingly.

**DATED** this 9th day of July 2024.



*Stanley A. Bastian*

Stanley A. Bastian  
Chief United States District Judge